

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
PLAINS PRODUCE, L.L.C.,)	
)	CASE NO. BK04-43949
Debtor(s).)	
<hr/>)	A05-4016
GREENTEX GREENHOUSES, BV,)	
a Dutch corporation,)	4:04CV3390
)	
Plaintiff,)	
)	
vs.)	CH. 11
)	
PONY EXPRESS GREENHOUSE, L.L.C.),)	
a Nebraska limited liability)	
company, and PLAINS PRODUCE,)	
L.L.C., a Nebraska limited)	
liability company,)	
)	
Defendants.)	

REPORT & RECOMMENDATION

This case was transferred from the district court because a party is in a bankruptcy case. The plaintiff has now moved to dismiss the debtor from this lawsuit, leaving Pony Express Greenhouse, L.L.C., as the sole defendant. Because this lawsuit is now between two non-debtor parties, there is no reason for this court to exercise jurisdiction over it. I therefore respectfully recommend to the United States District Court for the District of Nebraska that reference of this adversary proceeding be withdrawn and the case returned to district court for all further proceedings.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: April 7, 2005

RESPECTFULLY SUBMITTED:

/s/ Timothy J. Mahoney
Chief Judge

Notice given by the Court to:
Jocelyn Golden
William Dittrick
Trev Peterson
Gretchen Twohig
William D. Sutter, Jr.
U.S. Trustee